

## BLAKELY SOKOLOFF TAYLOR &amp; ZAFMAN LLP

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## FACSIMILE COVER SHEET

Deliver to: Joseph G. Ustaris, USPTO

Art Group: 2617

Facsimile No.: (571) 273-8300

Date: December 20, 2006

From: Eric T. King, Reg. No. 44,188

Our Docket No.: 5575P004 /K35A0807

Number of pages 13 including this sheet.

Application No.: 09/872,197

Filing Date: 5/31/2001

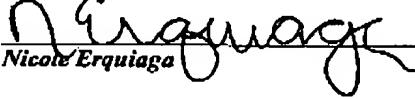
Docket Due Date(s): 12/31/2006 / 1/31/2007

Enclosed are the following documents:

<input checked="" type="checkbox"/> Amendment: After Final ( 9 pgs)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Appeal Brief ( pgs)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application: ( pgs) w/cover & abstract)	<input type="checkbox"/> Petition for: _____
<input type="checkbox"/> Assignment & Cover Sheet ( pgs)	<input type="checkbox"/> Request for Continued Examination (RCE)
<input checked="" type="checkbox"/> Certificate of Facsimile	<input type="checkbox"/> Reply Brief ( pgs)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)
<input type="checkbox"/> Declaration & POA ( pgs)	<input type="checkbox"/> Request to Rescind Previous Nonpublication Request
<input type="checkbox"/> Drawings: sheets, figures	<input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter
<input type="checkbox"/> Extension of Time: _____	<input type="checkbox"/> Response to Written Opinion ( pgs)
<input checked="" type="checkbox"/> Fee Transmittal (in duplicate)	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> IDS & PTO/SB/08 ( pgs)	<input type="checkbox"/> Transmittal of Publication Fee Due
<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Transmittal Letter

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Nicole Erquiaga 12/20/2006  
Date

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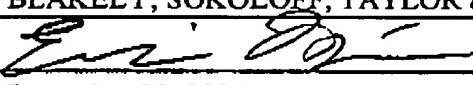
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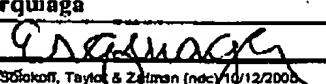
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<b>TRANSMITTAL FORM</b>		Application No.	09/872,197
<i>(to be used for all correspondence after initial filing)</i>		Filing Date	May 31, 2001
		First Named Inventor	L. Jeffrey Kapner, III
		Art Unit	2617
		Examiner Name	Joseph G. Ustaris
Total Number of Pages in This Submission	12	Attorney Docket Number	K35A0807

<b>ENCLOSURES (check all that apply)</b>		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
Remarks		

<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>	
Firm or Individual name	Eric T. King, Reg. No. 44,188 <b>BLAKELY, SOKOLOFF, TAYLOR &amp; ZAFMAN LLP</b>
Signature	
Date	December 20, 2006

<b>CERTIFICATE OF MAILING/TRANSMISSION</b>			
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Typed or printed name	Nicole Erquiaga		
Signature		Date	December 20, 2006
<small>Based on PTO/SB/21 (09-04) as modified by Blakely, Sokoloff, Taylor &amp; Zafman (Rev. 10/12/2006)          SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450</small>			

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FEE TRANSMITTAL  
for FY 2006

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

Complete if Known	
Application Number	09/872,197
Filing Date	May 31, 2001
First Named Inventor	L. Jeffrey Kapner, III
Examiner Name	Joseph G. Ustaris
Art Unit	2617
Attorney Docket No.	K35A0807

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  None  Other (please identify): \_\_\_\_\_ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s)  Credit any overpayments  
 under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

## FEE CALCULATION

## 1. EXTRA CLAIM FEES

Total Claims	24	Extra Claims	Fee from below	Fee Paid
Independent Claims	3	3*	0 x 50.00	\$0.00
Multiple Dependent			0 x 200.00	\$0.00

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	350	2203	180	Multiple Dependent claim, if not paid
1204	700	2204	395	**Reissue Independent claims over original patent
1205	300	2205	150	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (1)		(8)	0.00	

\*or number previously paid, if greater. For Reissues, see below

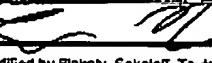
## 2. ADDITIONAL FEES

## Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
2053	130	2053	130	Non-English specification
1251	120	2251	60	Extension for reply within first month
1252	450	2252	220	Extension for reply within second month
1253	1,020	2253	510	Extension for reply within third month
1254	1,690	2254	785	Extension for reply within fourth month
1255	2,160	2255	1,080	Extension for reply within fifth month
1401	600	2401	260	Notice of Appeal
1402	600	2402	260	Filing a brief in support of an appeal
1403	1,000	2403	500	Request for oral hearing
1451	1,510	2451	1,510	Petition to institute a public use proceeding
1480	130	2480	130	Petitions to the Commissioner
1607	50	1907	60	Processing fee under 37 CFR 1.17(q)
1608	180	1808	180	Submission of Information Disclosure Stmt
1609	700	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	700	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))
Other fee (specify)				
SUBTOTAL (2)		(8)	0.00	

## Fee Paid

## SUBMITTED BY

Name (Print/Type)	Eric T. King	Registration No. (Attorney/Agent)	44,188	Telephone	(714) 557-3800	Complete (if applicable)
Signature			(8)	Date	12/20/06	

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (W) 12/15/2004.  
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FEE TRANSMITTAL  
for FY 2006

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

0.00

Complete if Known

Application Number	09/872,197
Filing Date	May 31, 2001
First Named Inventor	L. Jeffrey Kapner, III
Examiner Name	Joseph G. Ustaris
Art Unit	2617
Attorney Docket No.	K35A0807

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayment of fee(s)  Credit any overpayments

under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

## FEE CALCULATION

## 1. EXTRA CLAIM FEES

Total Claims		Extra Claims	Fee from below	Fee Paid
Independent Claims	24	24 - 3 = 0	50.00	\$0.00
Multiple Dependent	3	3 - 0 = 0	200.00	\$0.00

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	50	2202	25	Claims in excess of 20
1203	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple Dependent claim, if not paid
1204	790	2204	395	**Reissue independent claims over original patent
1205	300	2205	150	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (1)		(\$)		0.00

\*or number previously paid, if greater. For Reissues, see below

## 2. ADDITIONAL FEES

## Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or both
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
2053	130	2053	130	Non-English specification
1251	120	2251	60	Extension for reply within first month
1252	450	2252	225	Extension for reply within second month
1253	1,020	2253	610	Extension for reply within third month
1254	1,690	2254	795	Extension for reply within fourth month
1255	2,160	2255	1,080	Extension for reply within fifth month
1401	600	2401	250	Notice of Appeal
1402	600	2402	250	Filing a brief in support of an appeal
1403	1,000	2403	500	Request for oral hearing
1451	1,610	2451	1,510	Petition to institute a public use proceeding
1460	130	2460	120	Petition to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1808	180	1808	180	Submission of Information Disclosure Stmt
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))
Other fee (specify)		(\$)		
SUBTOTAL (2)		(\$)		

## Fee Paid

## SUBMITTED BY

Complete (if applicable)

Name (print/type)	Eric T. King	Registration No. (Attorney/Agent)	44,188	Telephone	(714) 557-3800
Signature				Date	12/20/06

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (twr) 12/15/2004.  
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Appl. No. 09/872,197  
Amdt. Dated 12/20/2006  
Reply to Office action of October 31, 2006

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**RESPONSE UNDER 37 CFR § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 2623**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.	:	09/872,197	Confirmation No. 1905
Applicant	:	L. Jeffrey Kapner III	
Filed	:	5/31/2001	
TC/A.U.	:	2623	
Examiner	:	Joseph G. Ustaris	
Docket No.	:	K35A0807	
Customer No.	:	8791	

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Alexandria VA 22313-1450

**AMENDMENT UNDER 37 CFR § 1.116**

Sir:

In response to the Final Office Action of October 31, 2006, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 6 of this paper.